Fort Myers Beach Town Council

Diamondhead Beach Resort
2000 Estero Blvd.
Fort Myers Beach, FL 33931

Minutes **Monday, October 16, 2023** **9:00 AM**

ORDER OF BUSINESS

FINAL

I. CALL TO ORDER
Members present: Mayor Allers, Vice Mayor Atterholt, Council Member King, Council Member Veach and Council Member Woodson.

II. INVOCATION
Town Clerk Baker.

III. PLEDGE OF ALLEGIANCE

IV. APPROVAL OF FINAL AGENDA
Council Member King moved to approve the final agenda; second by Council Member Veach.
Motion carried unanimously.

V. PUBLIC COMMENT
Fire Chief Scott Wirth commented on the legislation by Rep. Botana regarding imposing a merger of the Fort Myers Beach and Bonita Springs fire departments. He reviewed the bill and stated it did not give anyone a choice and the merger served no public purpose. He asked the Town Council to support the fire department and oppose the legislation.
Ron Fleming addressed the hostile takeover of the fire districts. Neither chief had the opportunity to discuss the plan with Mr. Botana because he left on vacation for two weeks. The plan would be filed without statistics or analysis for his claims. Mr. Fleming stated that Mr. Botana ignored him after multiple attempts to contact him. Mr. Fleming reviewed his education and experience in fire prevention.

He felt the bill should not pass as written and requested a resolution from the Town Council opposing the plan.

Jennifer Gordon, from Local 1826, District 3, represented the floor members, firefighters, and civilian inspectors at Fort Myers Beach. She opposed the bill by Rep. Botana because it took the will of the people out of the equation. She wants to see a study proving any benefit or cost-savings a merger could provide. She felt that people should decide after a study is done.

Steve Johnson, Commissioner for the Fort Myers Beach Mosquito Control District, stated that he thought the district was also included in the merger proposal but had not received a draft of the bill. Ian destroyed the district building, but they served the community in one week. He described how the district managed mosquitoes. He requested that the process to include the constituents be followed. James Cecil represented Admiral's Bay and indicated they were trying to make repairs but kept encountering problems. He thought the restoration company submitted an application about eight times and was denied each time. He reviewed the reasons why they were rejected and noted the application was in review right now. He asked for help and Mayor Allers referred him to Operations and Compliance Director Frankie Kropocek.

Paul Yearwood, Board President of the Island Reef Condo Association, said they formed a rebuilding group that handled most of the issues. The pool was partly in the EC zone and any steps they could take to expedite the process would be helpful to know.

Mayor Allers read information from Rep. Botana regarding the proposed merger. Council Member King would like the Council to support the community and the fire department. Vice Mayor Atterholt could not imagine taking this kind of policy initiative without the appropriate data and study and without talking to all the principals involved. He supported the resolution. Council Member Woodson agreed. Council Member Veach rebutted statements made by Rep. Botana. He agreed that they needed a real study regarding the effectiveness of the proposed action. Mayor Allers supported the resolution.

Council Member Veach moved to authorize the mayor to sign a letter drafted by the town attorney; second by Council Member Woodson.

Motion carried unanimously.

VI. LOCAL ACHIEVEMENTS AND RECOGNITIONS

Council Member Veach noted it was Breast Cancer Awareness Month and he encouraged everyone to get checked. He thanked Chasing Denver, the town and the businesses for the concert.

Council Member Woodson revealed she is a breast cancer survivor and commented that the event at Bayside Park was great.

Council Member King stated his mother was a breast cancer survivor. He thanked everyone for the concert, including the staff, Director Hauge, Wahoo Willie's and Snug Harbor.

Mayor Allers agreed with all comments.

VII. ADVISORY COMMITTEES ITEMS / REPORTS / APPOINTMENTS

A. Anchorage Advisory Committee (AAC)

Appoint Members to the FY2023-2024 Anchorage Advisory Committee (AAC)

Council Member Veach moved to appoint Jim Hockett and Ed Schoonover to the two vacant positions; second by Council Member King. Motion carried unanimously.

VIII. PRESENTATION

A. Marcus Goodman - Executive Director of Lee County Housing Authority Mr. Goodson stated this was the third time he has presented to a Council and reviewed his Fort Myers and Lee County history. He described the current projects he is involved with and noted that they would have to move quickly if the town was interested in accessing funding. He indicated that he would like to work with the town on the project and he would bring in experts to assist.

Vice Mayor Atterholt stated that the town needed details and asked how Mr. Goodson would move forward if he were in their shoes. Mr. Goodson replied that the town had to bring in the right people, including himself. He described his role and how he would move forward with funding requests and leveraging funds for the project. He explained that before the hurricane, previous councils were looking at possibly building on San Carlos Island, which could be done with DR funding.

Mayor Allers questioned whether the land owned by Lee County on San Carlos Island would be viable. Mr. Goodson was unaware of the seven-acre track and would contact Lee County. Mayor Allers indicated the project could serve three communities in that location.

Council Member Woodson agreed that a workforce housing project would not work on the beach but could be feasible across the bridge. She questioned whether Lee County was looking to purchase property that could benefit the beach and surrounding counties. Mr. Goodson replied that they were focusing on North Fort Myers, but maybe Lee County would consider a land contribution.

Council Member Veach bought up using the town hall property, but Mr. Goodson indicated that the parcel would not be large enough for 50 units. He explained that the first step of the project was acquiring land. Council Member Veach commented on the advantages of mixed-income housing. Mr. Goodson stated that he personally had not been involved with mixed-income projects, but the Lee County Housing Authority would get involved with mixed-income projects. He explained selling tax credits to investors and gap funding.

Mayor Allers supported working with the county concerning their land or using DR funds to purchase land off the island. Council Member Veach discussed workforce housing off-island and noted it would not solve as many problems as it would if it was on the island. Mayor Allers felt there were opportunities off-island.

Vice Mayor Atterholt supported a project just over the bridge and to partner with Lee County for a lower-cost land option. Council members King and Woodson agreed with the vice mayor. Council Member Veach felt they could do something on the island and did not feel comfortable telling the county how to use their land. Mayor Allers responded that they were saying it made sense to look at the land because the county had control over the DR funds. Mr. Goodson agreed that partnering with the county would be more feasible because land on the beach was expensive. Mayor Allers and other council members supported the town manager working with Mr. Goodson.

IX. APPROVAL OF MINUTES

A. Town Council - September 25, 2023

Council Member King moved to approve the minutes; second by Council Member Veach.
Motion carried unanimously.

B. Town Council Budget Hearings - September 25, 2023

Council Member King moved to approve the minutes; second by Council Member Veach.
Motion carried unanimously.

C. Town Council - October 2, 2023

Mr. Joseph ~~Publiese~~ Pugliese submitted an application to the LPA. In XVI., add: There was consensus from the Town Council to move forward with the Policies and Procedures.
Council Member King moved to approve the amended minutes; second by Council Member Veach.
Motion carried unanimously.

X. CONSENT AGENDA

Council Member Woodson moved to approve the consent agenda; second by Council Member King.
Motion carried unanimously.

A. Resolutions 23-126, 23-127 and 23-128; Extending Local State of Emergency-Hurricane Ian

A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF FORT MYERS BEACH, FLORIDA, AMENDING AND EXTENDING THE PROCLAMATION THAT A STATE OF LOCAL EMERGENCY EXISTS BECAUSE OF THE CATASTROPHIC IMPACTS CAUSED BY HURRICANE IAN; PROVIDING FOR CONFLICTS; PROVIDING FOR SCRIVENER ERRORS, PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

Council Member Woodson moved to approve the resolution; second by Council Member King.
Motion carried unanimously.

B. Resolutions 23-129, 23-130, 23-131 and 23-132; Extending Declaration of State of Local Emergency-Hurricane Idalia

A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF FORT MYERS BEACH, FLORIDA, EXTENDING THE DECLARATION OF STATE OF LOCAL EMERGENCY DUE TO HURRICANE IDALIA; PROVIDING THE TOWN WITH POWERS, INCLUDING, BUT NOT LIMITED TO THOSE PURSUANT TO FLORIDA STATUTES, CHAPTER 252, AND TOWN CODE CHAPTER 2, ARTICLE VI; PROVIDING FOR PENALTIES FOR VIOLATIONS; PROVIDING FOR CONFLICTS, SEVERABILITY, AND FOR AN EFFECTIVE DATE AND A TERMINATION DATE

Council Member Woodson moved to approve the resolution; second by Council Member King.
Motion carried unanimously.

XI. PUBLIC HEARINGS

A. Ordinance 23-15; Owner Builder Permit

Final Reading and final Public Hearing: **AN ORDINANCE OF THE TOWN OF FORT MYERS BEACH, FLORIDA, AMENDING SECTION 6-325, "OWNER-BUILDER EXEMPTION", OF DIVISION 5, "CONTRACTOR LICENSING", OF ARTICLE II, "BUILDING CODES", OF CHAPTER 6, "MAINTENANCE CODES, BUILDING CODES AND COASTAL REGULATIONS", OF THE CODE OF THE TOWN OF FORT MYERS BEACH, TO CLARIFY WHO IS ELIGIBLE FOR AN OWNER-BUILDER PERMIT, PROVIDING FOR CONFLICTS OF LAW; SCRIVENER'S ERRORS; SEVERABILITY; AND AN EFFECTIVE DATE.**

Mayor Allers read the title of the ordinance. Town Attorney Vose reviewed the change in language for clarification.
No public comment.

Vice Mayor Atterholt moved to approve the ordinance; second by Council Member Veach.
Motion carried unanimously by roll call vote.

B. Ordinance 23-13; Amending EC Zoning/Location of Construction Near Beaches

Final Reading and Public Hearing: **AN ORDINANCE OF THE TOWN OF FORT MYERS BEACH, FLORIDA AMENDING CHAPTER 34, ARTICLE III., DIVISION 4, SECTION 34-652 ENVIRONMENTALLY CRITICAL (EC) ZONING DISTRICT AND CHAPTER 6, ARTICLE III., DIVISION 2, SECTION 6-366 LOCATION OF CONSTRUCTION NEAR BEACHES; PROVIDING FOR SEVERABILITY; CODIFICATION; SCRIVENER'S ERRORS; CONFLICTS OF LAW AND AN EFFECTIVE DATE.**

Mayor Allers read the title of the ordinance. Community Development Planner Sarah Propst reviewed the background of the topic as described on the blue sheet.
No public comment.

Council Member Veach moved to approve the ordinance; second by Vice Mayor Atterholt.
Motion carried unanimously by roll call vote.

C. Ordinance 23-14; Administrative Setback Variances

Final Reading and Public Hearing: **AN ORDINANCE OF THE TOWN OF FORT MYERS BEACH, FLORIDA AMENDING CHAPTER 34, ARTICLE II., DIVISION 6, SECTION 34-268 ADMINISTRATIVE SETBACK VARIANCES; PROVIDING FOR SEVERABILITY; CODIFICATION; SCRIVENER'S ERRORS; CONFLICTS OF LAW AND AN EFFECTIVE DATE.**

Mayor Allers read the title of the ordinance. Planner Propst noted that this amendment corrected an error in the language discovered by staff.
No public comment.

Council Member Veach moved to approve the ordinance; second by Council Member Woodson.
Motion carried unanimously by roll call vote.

XII. ADMINISTRATIVE AGENDA

A. Resolution 23-124; RFQ-20-06-AD, STA #20, Post-Ian Residential Canal Debris Assessment Survey

A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF FORT MYERS BEACH, FLORIDA APPROVING AN AGREEMENT BETWEEN THE TOWN AND COASTAL ENGINEERING CONSULTANTS, INC. FOR DEBRIS DATA COLLECTING AND ASSESSMENT SURVEY IN TOWN OF FORT MYERS BEACH CANALS FOR A COST NOT TO EXCEED $42,020.00; AND PROVIDING FOR AN EFFECTIVE DATE.

Mayor Allers read the title of the resolution. Environmental Project Manager Chadd Chustz noted that the town had to scan the water to access the debris and provide a report so the contractors could remove the debris. He understood the cost would be reimbursed by FEMA.
Council Member Veach moved to approve the resolution; second by Council Member Woodson.
Motion carried unanimously.

B. Resolution 23-134; Upland Services

A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF FORT MYERS BEACH, FLORIDA APPROVING AN AGREEMENT BETWEEN THE TOWN AND MATANZAS INN FOR UPLAND SERVICES FOR THE MATANZAS MOORING FIELD FOR AN ANNUAL COST NOT TO EXCEED $36,000.00

Mayor Allers read the title of the resolution. Project Manager Chustz reviewed why the resolution was needed. He noted that the facilities would be available by November 1, 2023.
Council Member King moved to approve the resolution; second by Council Member Veach.
Motion carried unanimously.

C. Resolution 23-133; Mobile Harbormaster Office

A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF FORT MYERS BEACH, FLORIDA APPROVING AN AGREEMENT BETWEEN THE TOWN AND COOL-BINZ OF GREATER NAPLES TO LEASE A MOBILE OFFICE FOR A COST OF $8,305.99; AND PROVIDING FOR AN EFFECTIVE DATE.

Mayor Allers read the title of the resolution. Project Manager Chustz stated that the mobile office was needed since the harbormaster's office was damaged by Ian.

Vice Mayor Atterholt moved to approve the resolution; second by Council Member Veach.
Motion carried unanimously.

XIII. FINAL PUBLIC COMMENT

No public comment.

XIV. TOWN MANAGER'S ITEMS

Town Manager Hyatt noted that ULI would present at the next M&P meeting and another group was interested. He will contact the second group and invite them to the M&P. A building official and three additional permit technicians from the Jacobs group were on board. The next phase will include additional permit plan reviewers and inspectors. He noted that the cost, if any, would be minimal.
Director Kropocek indicated that the trailers were in production, and he should have an update within a week. They should be delivered by November 1, 2023. Town Manager Hyatt noted that the electricity at Bay Oaks Rec Center was ready for FP&L. He commented that Culture, Parks & Rec Director Hauge was working with FP&L to schedule a time to power up the transformer. The grand opening for the ball field is tentatively set for next Wednesday. He will provide an update regarding the pool at the next meeting.
Town Manager Hyatt introduced Adrian LaBlanc from Title Basin, who replaced Ann Compson. Heather Pritchett introduced herself and reviewed her background. Program Manager Chustz provided an update regarding the emergency berm in the critical wildlife area. He added that Newton Park would be a staging area for some time, but he would work with Director Hauge about partitioning a section for temporary restrooms if the Council desired. Vice Mayor Atterholt replied that it would be worth exploring. Director Hauge stated that the town received $40,000.00 from TDC for trailers at Newton Park and he was researching programming opportunities. He added that he was working on installing the temporary restrooms and Director Kropocek noted that he was working with FP&L to provide electricity for AC in the restrooms.

XV. TOWN ATTORNEY'S ITEMS

No items from Town Attorney Vose. Planner Propst addressed commercial activities on residential canals and indicated that the code allowed water taxis or

shuttles by permit. Town Attorney Vose said they could not change the code until next year. Planner Propst noted that the code did not define water taxis or shuttles.
Town Attorney Vose reported that negotiations were ongoing with the legal cases.

XVI. COUNCILMEMBERS ITEMS AND REPORTS

Council Member King stated that the Lee County MPO (Metropolitan Planning Organization) was discussing a merger with the Collier County MPO. Other metro municipalities will express their disapproval to the Lee County delegation on October 30, 2023. He did not have details but thought the town would lose representation and did not think a merger would benefit the town. He noted that Collier County was not interested in a merger, but state representatives were.
Consensus was reached for Council Member King to work with the town attorney to draft a letter opposing the proposed merger to be signed by the mayor.
Vice Mayor Atterholt indicated he would have an update regarding the beach school at the next meeting. He noted that a meeting with the superintendent was scheduled for Thursday, October 19, 2023. He questioned whether the Anchorage Advisory Committee (AAC) should be involved with dredging canals. Council Member Veach responded that the AAC was responsible for the mooring field. Mayor Allers suggested that they add dredging to the AAC's responsibilities. Council Member Veach stated that MERTF was responsible for the waters, but it might be good for the committees to decide which one wanted to work on canal dredging.
Council Member Woodson suggested that they define a public benefit at an M&P session. Vice Mayor Atterholt and Council Member Veach agreed to add the topic. Council Member Woodson brought up implementing community policing before the season. She commented on the Horizon Council strategic planning session and suggested the council consider a similar facilitated strategic planning session. Consensus was reached to add it to an M&P session. Town Clerk Baker will forward the previous strategic plan to all members.
Mayor Allers wanted to make it clear that the Council was listening to the community and developers regarding rebuilding. He explained that the land swap with the fire department was not feasible for the fire district. Fire Chief Scott Wirth reviewed the history of the proposed swap and explained why it would no longer work. The fire department will rebuild the fire station on their property.
No items from Council Member Veach.

XVII. ADJOURNMENT

Council Member King moved to adjourn; second by Council Member Veach.
Motion carried unanimously.

The meeting was adjourned at 12:11 p.m.

Minutes adopted, November 6, 2023; Motion by Council Member King and seconded by Council Member Woodson. Passed 5-0.

Amy Baker

Amy Baker, Town Clerk